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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/801,678	03/09/2001	Takayuki Asai	Q63501	4122

7590

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SUGHRUE, MION, ZINN, MACPEAK & SEAS  
2100 Pennsylvania Avenue, N.W.  
Washington, DC 20037

EXAMINER
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HO, DUC CHI

ART UNIT	PAPER NUMBER
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2665

DATE MAILED: 08/02/2004

*Handwritten number 6*

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/801,678

Applicant(s)

ASAI, TAKAYUKI

Examiner

Duc C Ho

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16-25 is/are allowed.
- 6) ☒ Claim(s) 1-9 and 26-34 is/are rejected.
- 7) ☒ Claim(s) 10-15, 35 and 36 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3-5</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 1-9, 26-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Turunen (WO 99/61966-in IDS record), in view of Martin, Jr. et al. (US 6,509,913), hereinafter referred to as Martin.

Regarding claim 1, Turunen discloses a method for transmitting multimedia messages and a multimedia message communication system.

*a portable terminal ( a wireless terminal MS1-fig. 3) which issues a content data request for content data desired by a user (the user at MS1 is capable of issuing a multimedia message request, see page 14-line 30 to page 15-line 33), and receives a desired content data file to reproduce the desired content data from the desired content data file (and receives a corresponding response to the multimedia message request which will be reproduced via a display for visual or via a integrated speaker of the terminal for audio);*

*first server ( a multimedia message server, MMSV-fig. 3, see page 9-line 26 to page 10-line 21) which is provided on a first network and which can provide first content data files*

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*written in a first language ( the server inherently uses Wireless Markup Language (WML) for communication), wherein said first server transmits a desired one of said first content data files via said first network (the GPRS network of the GSM mobile communication system) in response to said content data request when said content data request is destined to said first server (the MMSV server inherently transmits its multimedia content response to the multimedia message from the MS1, see page 15, lines 7-33)*

*a second server ( a server SV1-fig. 3) which is provided on a second network as the Internet (the Internet NW-fig. 3) and which can provide second content data files written in a HTML (hypertext markup language) language (as well known in the art, the Internet uses a language known as HTML), wherein said first language is different from said HTML language (the WML language is different from the HTML one )*

*and a gateway (a GGSN gateway connected to the MS1, the MMSV and the SV1 as shown in figure 3) which is operatively connected with said portable terminal and said first and second servers, and transfers said content data request from said portable terminal to said first or second server based on said content data request, and transfers said desired content data file from said first or second server to said portable terminal ( the gateway's function is to transfer data request from the MS1 to either servers and to transfer the content requested to the MS1 from either servers).*

Turunen, however, does not teach specifically about a content data request.

One skill in the art would recognize the advantage of using a script language that provides a description of different services in a menu format and the menu is arranged within a screen configuration of the portable terminal in such a way a user could select a button corresponding to a service in the menu, and to have one of the servers responses with the requested content file.

Martin discloses a configured screen-fig. 2B of a wireless device 216-fig. 2A, which includes a plurality of components C1-C8, each has a link to a service, see column 6-line 5 to column 9-line 11.

It would have been obvious to one of ordinary skill in the art, at the time invention was made, to employ a screen configuration interface with arranged services in a menu format as taught by Martin into the system of Turunen so that a user could issue his or her request of data content service from the displayed menu, and later the user would receive the requested content via one of the servers. The technique provides the user with options to choose in a controllable way for a wireless device, and an advantage in which the screen can be modified and configured for customization.

Regarding claims 2, and 27, in Turunen the MMSV server is a Wireless Access Protocol (WAP) server, and the server's language is a WML.

Regarding claims 3, and 31, in Turunen the MS1 is a mobile station.

Regarding claims 4, and 32, in Turunen the MS1 is a portable computer.

Regarding claims 5, and 28, in Turunen the GGSN gateway inherently includes control sections and converting section for converting WML or HTML for transmission to/from and reception to/from between the servers and the terminal.

Regarding claim 6, please see the rejection of claim 1. Martin discloses the use of a plurality of identifiers such as C1-C8, each of identifier indicates a category of a desired content data file, see figure 2B, and col. 6-table 1.

Regarding claims 7, and 33, please see the rejection of claim 1. Martin discloses the use of a plurality of identifiers such as C1-C8, each of identifier indicates a category of a desired content data file, see figure 2B, and col. 6-table 1. The category could base on a size of the content data file.

Regarding claims 8, and 34, please see the rejection of claim 1. Martin discloses the use of a plurality of identifiers such as C1-C8, each of identifier indicates a category of a desired content data file, see figure 2B, and col. 6-table 1. The category could base on a file format of the content data file.

Regarding claim 9, peripheral devices such as an integrated speaker or a display screen will be receiving the desired content data file according to the identifier in order to produce sound or image respectively.

Regarding claim 26, the claim has similar limitations as claims 1, and 9. Therefore, it is rejected under Turunen-Martin for the same reasons set forth in the rejection of claims 1, and 9.

Regarding claim 29, in Turunen the SV1 server-fig. 1 is an Internet server.

Regarding claim 30, in Turunen the control unit of the GGSN gateway-fig. 3 should have converting sections for converting WML or HTML protocol from MMSV or SV1 respectively to the portable terminal MS1.

#### ***Allowable Subject Matter***

3. Claims 16-25 are allowed
4. Claims 10-15, and 35-36 are objected to as being independent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lee et al. (US 6,490,291); Myr (US 6,615,130) are cited to show information processing terminal and content data acquiring system using the same, which is considered pertinent to the claimed invention.

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc Ho whose telephone number is (703) 305-1332. The examiner can normally be reached on Monday through Friday from 7:00 am to 3:30 pm.

If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu, can be reached on (703) 308-6602.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700

8. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 872-9314

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,  
Arlington. VA, Sixth Floor (Receptionist).

Patent Examiner



Duc Ho

07-23-04